

Serial No. **10/026,796**

Docket No. **P-0310**

Amendment dated June 23, 2006

Reply to Office Action of April 3, 2006

### **REMARKS**

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

By the present response, Applicant has amended claims 17 and 18 to further clarify the invention. Claims 1-4, 6-12, 14, 15 and 17-19 remain pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 17 and 18 have been objected to because of informalities. Claims 1-4, 6-12, 14, 15 and 17-19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Statutory Registration Invention Number H1,859 (Asthana et al.).

#### **Claim Objections**

Claims 17 and 18 have been objected to because informalities. Applicant has amended these claims to further clarify the invention and respectfully requests that these objections be withdrawn.

Finality of Office Action

Applicant notes that the Examiner has made this Office Action Final. Applicant submits that this is an improper Final Office Action in that no claim amendments were made by Applicant in Applicant's previously filed Response that required the Examiner to perform a new search, therefore, justifying the issuance of a Final Office Action that includes new grounds of rejection. Applicant submits that the independent claims were amended with the subject matter of dependent claims that had previously been presented to the Examiner and already searched. Applicant respectfully requests the Examiner to withdraw the finality of this Office Action.

35 U.S.C. §102 Rejections

Claims 1-4, 6-12, 14, 15 and 17-19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Asthana et al. Applicant respectfully traverses these rejections.

Asthana et al. discloses a system for providing control of redundant components. The system includes two resource modules. The resource module is connected to a data bus, but only the active resource module has control of the data bus. Two call processor systems are connected to the resource modules, and the active call processor is connected to the active resource module. A call processor connection client operating on the resource module transmits a connection request message to the call processor systems. A call processor connection server operating on the call processor system can receive the connection request message and assign the resource module as active status.

Regarding claims 1, 9, 15 and 19, Applicant submits that Asthana et al. does not disclose or suggest these limitations in the claims of the present application. For example, the Examiner asserts that Asthana et al. discloses a method for multiplexing a specialized resource of a network peripheral, by disclosing redundant components. However, Asthana et al.'s disclosure of redundant components is not multiplexing a specialized resource of a network peripheral where the specialized resource provides services to subscriber calls connecting a network. Further, the Examiner asserts that Asthana et al. discloses a plurality of specialized resources, by item 93 of Figure 3. However, item 93 merely discloses a resource module that is incorporated in a telecommunications switch 12 (see, column 8, lines 14-16). The telecommunications switch 12 or the included resource module 93 are not a plurality of specialized resources that provide services to subscriber calls contacting a network, as recited in the claims of the present application. A telecommunications switch merely provides a switching function and does not provide services. Further, the mere disclosure of a telephony support module 86 and 88 does not disclose or suggest specialized resources that provide services to subscriber calls contacting a network. The telephony support modules 86 and 88 are merely used to provide a redundant connection to maintain existing calls such that failures will not result in loss of calls (see, column 10, lines 1-13).

Moreover, the Examiner appears to assert that Asthana et al. by the disclosure in Figure 3 of call processors 98 and 100, discloses both a plurality of modules that manage a number of

specialized resource groups, and a main processor that manages the plurality of modules and collects state information from each of the plurality of modules. However, these portions of Asthana et al. do not disclose or suggest anything related to a number of specialized resource groups, or collecting state information from each of the plurality of modules, as recited in the claims of the present application. Items 98 and 100 in Asthana et al. are merely call processors.

Further, the Examiner asserts that Asthana et al. discloses a resource management block that restores a service to a subscriber call, disrupted by a faulty one of the plurality of specialized resources, in accordance with the state information collected by the main processor, by Asthana's connection server/connection client items 99 and 101 of Figure 3. However, the connection server/connection client items 99 and 101 are included in call processors 98 and 100 (see, column 8, lines 58-59) and merely switches call processor from standby or arbitrate status to active status, and queries network management servers such as transmitting an active mode status message upon reaching active status, and receives a standby status message from network management servers that may be generated in response to a query received from another call processor system, respectively. These portions do not disclose or suggest a resource management block that restores a service to a subscriber call disrupted by a faulty one of the plurality of specialized resources, as recited in the claims of the present application. In addition, these portions do not disclose or suggest anything related to restoring a service to a subscriber call in accordance with the state information collected by the main processors.

Further, the portions of Asthana et al. cited by the Examiner do not disclose or suggest a means for isolating a faulty one of the plurality of specialized resources, or generating a multiplexing message according to collected state information, and dispersively transmitting the multiplexing message to particular modules having a small load and a particular specialized resource available to replace the isolated specialized resource.

Moreover, the Examiner asserts that Asthana et al. discloses identifying a service performed by the resource experiencing the fault, identifying another resource that provides the service and that is available among the plurality of modules, and assigning the other resources to support the service or a subscriber call, based on an assignment scheme, at column 9, lines 61-67 and column 10, lines 1-67. However, these portions merely disclose details regarding activities that occur when certain elements fail such as, for example, a switching module, a telephony support module, an interface module, a hub switch, a call processor, a signaling interface module, and a network management server. These portions do not disclose or suggest anything related to identifying a service performed by the resource experiencing the fault, as recited in the claims of the present application. As noted previously, Asthana et al. does not disclose or suggest anything related to a resource performing a service. Further, these portions do not disclose or suggest assigning other resources to support this service for a subscriber call based on an assignment scheme.

The Examiner further asserts that Asthana et al. discloses an assignment scheme prioritizing each of multiple other resources, in Figures 1-5, column 4, lines 53-67 and columns 5-14, lines 1-67. Applicant submits that this is an improper §102 rejection in that the Examiner is required to specifically point out where in the cited reference each and every limitation is allegedly disclosed. Here, the Examiner merely asserts almost the entire disclosure of Asthana et al. as disclosing these limitations. Further, none of the cited portions disclose or suggest the assignment scheme prioritizing each of multiple other resources that provide the service and that are available, based on a processing mode of a corresponding module providing the other resource. Asthana et al. is merely directed to providing redundant components. Asthana et al. does not disclose or suggest anything related to prioritizing resources based on a processing load of a corresponding module providing the other resource.

In addition, the portions of Asthana et al. cited by the Examiner do not disclose or suggest a plurality of modules that have specialized resources, or where a particular module selected to place a defective module is selected in accordance with respective processing modes of the plurality of modules.

Regarding claims 2-4, 6-8, 10-12, 14, 17 and 18, Applicant submits that these claims are dependent on one of independent claims 1, 9 and 15 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

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Accordingly, Applicant submits that Asthana et al. does not disclose or suggest the limitations in the combination of each of claims 1-4, 6-12, 14, 15 and 17-19 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that claims 1-4, 6-12, 14, 15 and 17-19 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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